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| **THE RIGHT TO INFORMATION ACT, 2005** | | | | | | | |
| **1** | (2) | | |  | It extends to the whole of India except the State of Jammu and Kashmir. | | | |
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| **2** | (a) | | |  | "Appropriate Government" means in relation to a public authority established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly— | | | |
| **2** | (a) | | | (i) | by the Central Government or the Union territory administration | | | |
| **2** | (a) | | | (ii) | by the State Government; | | | |
| **2** | (c) | | |  | "Central Public Information Officer" includes a Central **Assistant** PIO designated as such under sub-section (*2*) of section 5; | | | |
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| **2** | (f) | | |  | "Information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and **information relating to any private body which can be accessed by a public authority under any other law for the time being in force;** | | | |
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| **2** | (h) | | |  | "public authority" means any authority or body or institution of self- government established or constituted— | | | |
| **2** | (h) | | | (a) | by or under the Constitution; | | | |
| **2** | (h) | | | (b) | by any other law made by Parliament; | | | |
| **2** | (h) | | | (c) | by any other law made by State Legislature; | | | |
| **2** | (h) | | | (d) | by notification issued or order made by the appropriate Government, and includes any— | | | |
| **2** | (h) | | | (d) | (i) | | body owned, controlled or substantially financed; | |
|  |  | | |  | (ii) | | non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government; | |
| **2** | (i) | | |  | "record" includes— | | | |
| **2** | (i) | | | (a) | **any document, manuscript and file**; | | | |
| **2** | (i) | | | (b) | **any microfilm, microfiche and facsimile copy of a document**; | | | |
|  |  | | |  |  | | | |
| **2** | (i) | | | (d) | **any other material produced by a computer** or any other device; | | | |
| **2** | (j) | | |  | "right to information" means the right to information held by or under the control of any public authority and includes the right to— | | | |
| **2** | (j) | | | (i) | **inspection of work, documents, records**; | | | |
| **2** | (j) | | | (ii) | **taking notes, extracts or certified copies of documents or records**; | | | |
| **2** | (j) | | | (iii) | **taking certified samples of material**; | | | |
| **2** | (j) | | | (iv) | **obtaining information in the form of diskettes, floppies, tapes, video cassettes** or in any other electronic mode or through printouts | | | |
| 2 | (n) | | |  | "third party" means a person other than the citizen making a request for information and includes a public authority. | | | |
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| **CHAPTER II**  **Right to information and obligations of public authorities** | | | | | | | | |
| **3** |  | | |  | Subject to the provisions of this Act, all citizens shall have the right to information. | | | |
| **4** | (1) | | |  | **Every public authority shall**— | | | |
| **4** | (1) | | | (a) | **maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act** and ensure that all records are computerised and connected through a network all over the country on different systems | | | |
| **4** | (1) | | | (b) | publish,— | | | |
| **4** | (1) | | | (b) | (i) | | the **particulars of its organisation, functions and duties**; | |
| **4** | (1) | | | (b) | (ii) | | the **powers and duties of its officers and employees**; | |
| **4** | (1) | | | (b) | (iii) | | the **procedure followed in the decision making process**, including channels of supervision and **accountability**; | |
| **4** | (1) | | | (b) | (iv) | | the **norms set by it for the discharge of its functions**; | |
| **4** | (1) | | | (b) | (v) | | the **rules, regulations, instructions, manuals and records**, held by it or under its control or used by its employees for discharging its functions; | |
| **4** | (1) | | | (b) | (vi) | | a **statement of the categories of documents** that are held by it or under its control; | |
| **4** | (1) | | | (b) | (vii) | | the **particulars of any arrangement that exists for consultation** with, or representation by, the members of the public **in relation to the formulation of its policy** or implementation thereof; | |
| **4** | (1) | | | (b) | (viii) | | **a statement of the boards, councils, committees and other bodies** consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public; | |
| **4** | (1) | | | (b) | (ix) | | a **directory of its officers and employees**; | |
| **4** | (1) | | | (b) | (x) | | the **monthly remuneration received by each of its officers and employees**, including the system of compensation as provided in its regulations; | |
| **4** | (1) | | | (b) | (xi) | | the budget allocated to each of its agency, indicating the **particulars of all plans, proposed expenditures and reports on disbursements made;** | |
| **4** | (1) | | | (b) | (xii) | | the **manner of execution of subsidy programmes**, including the amounts allocated and the details of beneficiaries of such programmes; | |
| **4** | (1) | | | (b) | (xiii) | | **particulars of recipients of concessions, permits or authorizations** granted by it; | |
| **4** | (1) | | | (b) | (xiv) | | **details in respect of the information**, available to or held by it, reduced **in an electronic form;** | |
| **4** | (1) | | | (b) | (xv) | | the **particulars of facilities available to citizens for obtaining information**, including the working hours of a library or reading room, if maintained for public use; | |
| **4** | (1) | | | (b) | (xvi) | | the **names, designations and other particulars of the Public Information Officers**; | |
| **4** | (1) | | | (b) | (xvii) | | **such other information as may be prescribed** and thereafter update these publications every year; | |
| **4** | (1) | | | (c) | **publish all relevant facts while formulating important policies or announcing the decisions which affect public;** | | | |
| **4** | (1) | | | (d) | **provide reasons for its administrative or quasi-judicial decisions** to affected persons. | | | |
| **4** | (2) | | |  | It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to **provide as much information suo motu to the public at regular intervals through various means of communications**, including internet, so that the public have minimum resort to the use of this Act to obtain information. | | | |
| **4** | (3) | | |  | For the purposes of sub-section (1), **every information shall be disseminated widely and in such form and manner which is easily accessible to the public.** | | | |
| **4** | (4) | | |  | All materials shall be disseminated taking into consideration the **cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible,** to the extent possible in electronic format with the PIO, available free or at cost price. | | | |
|  |  | | |  | Explanation.— "disseminated" means making known to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority. | | | |
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| **5** | (2) | | |  | Where an application for information or appeal is given to a PIO, a period of five days shall be added in computing the period for response specified under sub-section (1) of section 7. | | | |
| **5** | (3) | | |  | Every PIO shall deal with requests from persons seeking information and **render reasonable assistance**. | | | |
| **5** | (4) | | |  | PIO **may seek the assistance of any other officer** for the proper discharge of his or her duties. | | | |
| **5** | (5) | | |  | Any officer, whose assistance has been sought under sub-section (4), **shall render all assistance to the PIO** seeking his assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Public Information Officer. | | | |
| **6** | (1) | | |  | A person, who desires to obtain any information under this Act, shall make a request in **writing or through electronic means** in English or Hindi or in the official language of the area, accompanying fee prescribed, to— | | | |
| **6** | (1) | | | (a) | the PIOof the concerned public authority; | | | |
| **6** | (1) | | | (b) | the Assistant Public Information Officer specifying the particulars of the information sought by him or her:  Where such request cannot be made in writing PIO **shall render all reasonable assistance to reduce the same in writing**. | | | |
| **6** | (2) | | |  | **An applicant making request for information** **shall not be required to give any reason** or any other personal details except those that necessary for contacting him. | | | |
| **6** | (3) | | |  | Where an application is made to a public authority requesting for an information,— | | | |
| **6** | (3) | | | (i) | which is held by another public authority; or | | | |
| **6** | (3) | | | (ii) | the subject matter of which is more closely connected with the functions of another public authority,  the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:  The transfer of an application shall be **in no case later than five days** from the date of receipt of the application. | | | |
| **7** | (1) | | |  | Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the PIO shall, as expeditiously as possible, and in any case **within thirty days**, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9:  Where the information sought for concerns the life or liberty of a person, the same shall be provided within **forty-eight hours**. | | | |
| **7** | (2) | | |  | If the PIO fails to give decision on the request for information within the period specified under sub-section (1), **the PIO shall be deemed to have refused the request**. | | | |
| **7** | (3) | | |  | Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, the shall send an intimation to the person making the request, giving— | | | |
| **7** | (3) | | | (a) | the **details of further fees**, **together with the calculations made**, requesting him to deposit that fees, and the period intervening between the despatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days; | | | |
| **7** | (3) | | | (b) | information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms. | | | |
| **7** | (4) | | |  | Where the person is **sensorily disabled**, the PIO shall provide assistance to enable access to the information, including assistance appropriate for inspection. | | | |
| **7** | (5) | | |  | Where access to information is to be provided in the printed or in any electronic format, the applicant shall pay such fee as may be prescribed:  The fee prescribed shall be **reasonable.** | | | |
| **7** | (6) | | |  | The person-making request for the information shall be provided the **information free of charge** where a public authority fails to comply with the time limits. | | | |
| **7** | (7) | | |  | Before taking any decision under sub-section (1), the PIO shall take into consideration the representation made by a **third party** under section 11. | | | |
| **7** | (8) | | |  | Where a request has been rejected under sub-section (1), the PIO shall communicate to the person making the request,— | | | |
| **7** | (8) | | | (i) | the **reasons for such rejection**; | | | |
| **7** | (8) | | | (ii) | the period within which an appeal against such rejection may be preferred; and | | | |
| **7** | (8) | | | (iii) | the **particulars of the appellate authority**. | | | |
| **7** | (9) | | |  | Information shall be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record. | | | |
| **8** | (1) | | |  | There shall be no obligation to give any citizen,— | | | |
| **8** | (1) | | | (a) | Information which would **affect the sovereignty and integrity of India**, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence; | | | |
| **8** | (1) | | | (b) | information which has been **expressly forbidden to be published by any court of law** or tribunal or the disclosure of which may constitute contempt of court; | | | |
| **8** | (1) | | | (c) | Information which would cause a **breach of privilege of Parliament** or the State Legislature; | | | |
| **8** | (1) | | | (d) | information including **commercial confidence, trade secrets or intellectual property**, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants disclosure; | | | |
| **8** | (1) | | | (e) | information available to a person in his **fiduciary relationship**, unless the competent authority is satisfied that the larger public interest warrants disclosure | | | |
| **8** | (1) | | | (f) | information received in confidence from **foreign Government**; | | | |
| **8** | (1) | | | (g) | information, the disclosure of which would **endanger the life or physical safety** of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes; | | | |
| **8** | (1) | | | (h) | information which would **impede the process of investigation or apprehension** or prosecution of offenders; | | | |
| **8** | (1) | | | (i) | cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers: | | | |
| **8** | (1) | | |  | **The decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over**. | | | |
| **8** | (1) | | | (j) | information which relates to **personal information** the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless PIO or the appellate authority is satisfied that the larger public interest justifies the disclosure | | | |
|  |  | | | (j) | **The information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person**. | | | |
| **8** | (2) | | |  | **Notwithstanding anything in the Official Secrets Act, 1923** nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if **public interest in disclosure outweighs the harm to the protected interests**. | | | |
| **8** | (3) | | |  | Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), **any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:** | | | |
|  |  | | |  | Where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act. | | | |
| **9** |  | | |  | PIO may **reject a request for information** where such a request for providing access would involve an **infringement of copyright** subsisting in a person other than the State. | | | |
| **10** | (1) | | |  | Where a request for access to information is rejected on the ground that it is exempt from disclosure, **access may be provided to that part of the record which does not contain any information which is exempt from disclosure** and which can reasonably be severed from any part that contains exempt information. | | | |
| **10** | (2) | | |  | Where access is granted to a part of the record under sub-section (1), the PIO shall give a notice to the applicant, informing— | | | |
| **10** | (2) | | | (a) | that **only part of the record requested**, after severance of the record containing information which is exempt from disclosure, is being provided; | | | |
| **10** | (2) | | | (b) | the **reasons for the decision**, including any findings on any material question of fact, referring to the material on which those findings were based; | | | |
| **10** | (2) | | | (c) | the **name and designation of the person giving the decision**; | | | |
| **10** | (2) | | | (d) | the **details of the fees calculated** by him or her and the amount of fee which the applicant is required to deposit; and | | | |
| **10** | (2) | | | (e) | **his or her rights with respect to review of the decision** regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the senior officer specified under sub-section (1) of section 19 or the Information Commission, time limit, process and any other form of access. | | | |
| **11** | (1) | | |  | Where a PIO intends to disclose any information or record, or part thereof on a request made under this Act, **which relates to or has been supplied by a third party and has been treated as confidential by that third party**, the PIO shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the PIO intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:  Provided that except in the case of trade or commercial secrets protected by law, **disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.** | | | |
| **11** | (2) | | |  | Where a notice is served by the PIO under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, **within ten days from the date of receipt of such notice,** be given the opportunity to make representation against the proposed disclosure. | | | |
| **11** | (3) | | |  | PIO shall, **within forty days after receipt of the request, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information** or record or part thereof and give in writing the notice of his decision to the third party. | | | |
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| **CHAPTER V**  **Powers and functions of the Information Commissions, appeal and penalties** | | | | | | | |
| **18** | (1) | | |  | It shall be the duty of the Information Commission to receive and inquire into a complaint from any person,— | | |
| **18** | (1) | | | (a) | who has been unable to submit a request to a PIO either by reason that no such officer has been appointed under this Act, or because the Assistant PIO has refused to accept his or her application for information or appeal under this Act for forwarding the same to the PIO or senior officer or the Information Commission | | |
| **18** | (1) | | | (b) | who has been refused access to any information requested | | |
| **18** | (1) | | | (c) | who has not been given a response to a request for information or access to information within the time limit specified | | |
| **18** | (1) | | | (d) | who has been required to pay an amount of fee which he or she considers unreasonable; | | |
| **18** | (1) | | | (e) | who believes that he or she has been given incomplete, misleading or false information | | |
| **18** | (1) | | | (f) | in respect of any other matter relating to obtaining access to records | | |
| **18** | (2) | | |  | Where the Information Commission is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof. | | |
| **18** | (3) | | |  | The Information Commission shall, while inquiring into any matter under this section, have powers vested in a civil court, namely:— | | |
| **18** | (3) | | | (a) | summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things; | | |
| **18** | (3) | | | (b) | requiring the discovery and inspection of documents; | | |
| **18** | (3) | | | (c) | receiving evidence on affidavit; | | |
| **18** | (3) | | | (d) | requisitioning any public record or copies thereof from any court or office; | | |
| **18** | (3) | | | (e) | issuing summons for examination of witnesses or documents; and | | |
| **18** | (3) | | | (f) | any other matter which may be prescribed. | | |
| **18** | (4) | | |  | Information Commission may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the public authority, and **no such record may be withheld from it on any grounds.** | | |
| **19** | (1) | | |  | Any person who, does not receive a decision within the time specified, or is aggrieved by a decision of the PIO may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the PIO in each public authority: | | |
|  |  | | |  | Such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. | | |
| **19** | (2) | | |  | Where an appeal is preferred against an order made by a PIO under section 11 to disclose third party information, the appeal by the concerned third party shall be made within thirty days from the date of the order. | | |
|  | (3) | | |  | A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Information Commission: | | |
|  |  | | |  | Information Commission may admit the appeal after the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. | | |
|  | (4) | | |  | If the decision of the PIO against which an appeal is preferred relates to information of a third party, the Information Commission shall give a reasonable opportunity of being heard to that third party. | | |
|  | (5) | | |  | In any appeal proceedings, **the onus to prove that a denial of a request was justified shall be on the PIO who denied the request**. | | |
|  | (6) | | |  | An appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing. | | |
|  | (7) | | |  | The decision of the Information Commission shall be binding. | | |
|  | (8) | | |  | In its decision, the Information Commission has the power to— | | |
|  | (8) | | | (a) | require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including— | | |
|  | (8) | | | (a) | (i) | by providing access to information, if so requested, in a particular form; | |
|  | (8) | | | (a) | (ii) | by appointing a Public Information Officer | |
|  | (8) | | | (a) | (iii) | by publishing certain information or categories of information; | |
|  | (8) | | | (a) | (iv) | by making necessary changes to its practices in relation to the maintenance, management and destruction of records; | |
|  | (8) | | | (a) | (v) | by enhancing the provision of training on the right to information for its officials; | |
|  | (8) | | | (a) | (vi) | by providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4; | |
|  | (8) | | | (b) | require the public authority to compensate the complainant for any loss or other detriment suffered; | | |
|  | (8) | | | (c) | impose any of the penalties provided under this Act; | | |
|  | (8) | | | (d) | reject the application. | | |
|  | (9) | | |  | The Information Commission shall give notice of its decision, including any right of appeal, to the complainant and the public authority. | | |
|  | (10) | | |  | The Information Commission shall decide the appeal in accordance with such procedure as may be prescribed. | | |
| **20** | (1) | | |  | Where the Information Commission at the time of deciding any complaint or appeal is of the opinion that the PIO has, without any reasonable cause, refused to receive an application for information **or** has not furnished information within the time specified under sub-section (1) of section 7 **or** mala fidely denied the request for information **or** knowingly given incorrect, incomplete or misleading information **or** destroyed information which was the subject of the request **or** obstructed in any manner in furnishing the information, it **shall** impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees: | | |
|  |  | | |  | The PIO shall be given a reasonable opportunity of being heard before any penalty is imposed on him: | | |
|  |  | | |  | **The burden of proving that he acted reasonably and diligently shall be on the Public Information Officer** | | |
| **20** | (2) | | |  | Where the Information Commission at the time of deciding any complaint or appeal is of the opinion that the PIO has, without any reasonable cause and persistently, failed to receive an application for information **or** has not furnished information within the time specified under sub-section (1) of section 7 **or** malafidely denied the request for information or knowingly given incorrect, incomplete **or** misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the PIO under the service rules applicable to him. | | |
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| **24** | (4) | | |  | **Nothing contained in this Act shall apply to such intelligence and security organisation being organisations** established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify: | | |
|  |  | | |  | Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section: | | |
|  |  | | |  | Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the State Information Commission and, notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request. | | |
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| **28** | (1) | | |  | The competent authority may, by notification in the Official Gazette, make rules to carry out the provisions of this Act. | | |
|  | (2) | | |  | Such rules may provide for all or any of the following matters, namely:— | | |
|  | (2) | | | (i) | the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4; | | |
|  | (2) | | | (ii) | the fee payable under sub-section (1) of section 6; | | |
|  | (2) | | | (iii) | the fee payable under sub-section (1) of section 7; and | | |
|  | (2) | | | (iv) | any other matter which is required to be, or may be, prescribed. | | |
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| **THE SECOND SCHEDULE**  **(*See* section 24)** | | | | | | | |
|  |  | | |  | Intelligence and security organisation established by the Central Government | | |
|  |  | | | **1.** | Intelligence Bureau. | | |
|  |  | | | **2.** | Research and Analysis Wing of the Cabinet Secretariat. | | |
|  |  | | | **3.** | Directorate of Revenue Intelligence. | | |
|  |  | | | **4.** | Central Economic Intelligence Bureau. | | |
|  |  | | | **5.** | Directorate of Enforcement. | | |
|  |  | | | **6.** | Narcotics Control Bureau. | | |
|  |  | | | **7.** | Aviation Research Centre. | | |
|  |  | | | **8.** | Special Frontier Force. | | |
|  |  | | | **9.** | Border Security Force. | | |
|  |  | | | **10.** | Central Reserve Police Force. | | |
|  |  | | | **11.** | Indo-Tibetan Border Police. | | |
|  |  | | | **12.** | Central Industrial Security Force. | | |
|  |  | | | **13.** | National Security Guards. | | |
|  |  | | | **14.** | Assam Rifles. | | |
|  |  | | | **15.** | Special Service Bureau. | | |
|  |  | | | **16.** | Special Branch (CID), Andaman and Nicobar. | | |
|  |  | | | **17.** | The Crime Branch-C.I.D.- CB, Dadra and Nagar Haveli. | | |
|  |  | | | **18.** | Special Branch, Lakshadweep Police. | | |

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